

136 Règles de droit, N° 2

## TARIFF OF FEES

MADE

BY THE JUDGES

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SUPERIOR COURTS OF COMMON LAW

Michaelmas Term, 1871

(35th Victoriae.)



FEBRUARY, 1872.

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# TARIFF OF FEES

MADE

## BY THE JUDGES

OF THE SUPERIOR COURTS OF COMMON LAW,

**MICHAELMAS TERM, 1871.**

• (35th Victoriae.)

From and after the first day of "Hilary Term" next, the Table of Costs following, shall be that according to which all costs in civil actions in the Courts of "Queen's Bench" and "Common Pleas," shall be allowed and taxed, and no other fees, costs or charges than herein set down shall be allowed, in respect of the matters thereby provided for, either upon taxation between Attorney and Client, or between Party and Party.

### TABLE OF COSTS.

General allowance for Plaintiffs and Defendants, as well between Attorney and Client, as between Party and Party, approved by Rule of Court, "Michaelmas" Term, 35th Victoria, November, 1871.

### TO THE ATTORNEY.

*Instructions to the Attorney:—*

	\$ cts.
Taking instructions to Sue or Defend, except in Ejectment.	3 00
In Ejectment .....	4 00

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Summons including attendance .....	2 00
Concurrent Summons .....	1 50
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Fieri Facias for the Residue .....	2 00
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Venditioni Exponas .....	2 00
Supersedeas .....	1 25

	\$ cts.
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NOTE.—The above allowances include all charges for attendance for the writ and delivering it to the officer.

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Mileage per mile, for the distance actually and necessarily travelled, when taxable to the Attorney .....	0 10

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For Special Affidavits, when allowed by the Master, and instructing Counsel upon special matters .....	1 00
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Do. for Brief .....	2 00
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Do. for Rule for Writ of Revivor, when necessary	1 00
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Do. for agreement of damages .....	1 00
Do. for confession of action in Ejectment, as to the whole or in part .....	1 00
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	\$ <small>cts.</small>
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Of Special Rule, above three folios, per folio additional ..	0 20
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To declare, reply, and subsequent proceedings .....	0 50
By Defendant to bring issue to trial .....	0 50
To Executor or Administrator of sole Defendant deceased to appear to writ and suggestion .....	0 50
Of appearance, when appearance duly entered, and notice given on the day of appearance, but not otherwise ..	0 50
Of appearance to Writ of Revivor .....	0 50
To Plead .....	0 50
Of Declaration, when necessary .....	0 50
Of objection for mis-joinder, or non-joinder of Plaintiff ..	0 50

	\$ cts.
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Notice of admission of right and denial of ouster by a Joint Tenant, &c.....	0 50
If above three folios, for every folio .....	0 20
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Of confession of action of Ejectment, as to whole or in part	0 50
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Taxation of costs per hour .....	1 00
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0 50		
1 00		
0 20		
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0 20		
0 50		
0 50		
0 50		
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	Fee on every Record, Writ of Trial or Enquiry .....	1 00
	Fee on every Rule of Court or Judge's Order .....	1 00
	Fee on attending by Counsel or Attorney, to hear Judg- ment of Court, when attendance is noted by the Clerk at the time.....	2 00

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1 00		
0 50		
1 00		
2 00		
1 00		
1 00		
1 00		
0 50		
	Drawing Affidavit per folio.....	0 20
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	Mileage on Services as on Writs of Summons.	

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2 00		
1 00		
1 00		
1 00		
0 50		
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0 20		
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NOTE —To be increased at the discretion of the Master at Toronto, to a sum not to exceed \$25.00	
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Fee with Brief at trial in cases of Tort or in Ejectment, or in matters of contract, when sum to be recovered exceeds \$400 .....	10 00
(To be increased by taxing officer, in his discretion, to a sum not exceeding \$20 to Senior Counsel, and \$10 Junior Counsel, in actions of a special and important nature; Provided that the Master (at Toronto) shall have power to tax increased fees, provided that more than one Counsel fee shall not be allowed in any case, not of a special and important nature, nor more than two in any case.)	
Fee to Counsel on Trial of Issues upon Writ of Trial in the County Court.....	6 00
Fee to Counsel when Counsel attend on argument or exami-	

\$ cts.	11	\$ cts.
5 00		nation in Chambers, which in opinion of the Master required attendance of Counsel .....
5 00		(But may be increased in the discretion of the Master to \$10.)
5 00		Where any Fee is subject to be increased in the discretion of the Master, either party to the taxation, may during its progress require that such item shall be referred by the Taxing Officer to the Master of the Court at Toronto, whose decision shall be final.
5 00		The Master at Toronto may apply to a Judge or the Court, on the taxation of any item which is in his discretion, or is referred to him.
5 00		No application shall be allowed by either Attorney or Counsel to a Judge or the Court, in reference to any item which is in the discretion of the Master, but this is not to prevent an application for revision of taxation.
10 00		

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	\$ cts.
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Do. if exceeding two terms and not more than four .....	0 20
Do. if exceeding four terms, or a general search..	0 50

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	\$ cts.		\$ cts.
.....	0 50	for the original, and where no specific sum is allowed,	
.....	0 07	then copies of papers required, or which may be directed	
.....	0 20	to be made, furnished or served, to be allowed per folio of	
con-		100 words .....	0 10
same		<i>Issues</i> when directed to be tried, preparing same .....	1 00
.....	1 00	<i>Disbursements.</i> Postages actually paid, mileage when it is	
.....	0 10	necessary to employ parties to serve writs, papers, &c., the	
.....	0 10	actual number of miles travelled to perform the service,	
than		per mile .....	0 10
.....	0 20	(The Affidavit must state the number of miles actually	
rch..	0 50	travelled and also that the charge has been paid.)	
fend		<i>N. B.</i> —No instructions to be allowed nor attendances to	
.....	2 00	swear affidavits.	
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100		Briefs per folio of original matter, when necessary .....	0 20
.....	0 20	Briefs per folio of copy, when necessary .....	0 10
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		<b>COUNSEL.</b>	
		Fee for argument upon the return of the Writ of Sum-	
		mons, if argued by Counsel .....	10 00
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		to the importance of the case, to not exceeding .....	20 00
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MICHAELMAS TERM, }  
35th Victoriæ. }

(Signed)    W. M. B. RICHARDS, C. J.  
                   JOHN H. HAGARTY, C. J., C. P.  
                   JOS. C. MORRISON, J.  
                   ADAM WILSON, J.  
                   JOHN W. Gwynne, J.  
                   THOMAS GALT, J.

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